

Remarks

Reconsideration of the present application is respectfully requested. Claims 1, 8, 10, 12 and 17 have been amended. Claims 2 and 9 have been canceled without prejudice. New claims 20-24 have been added. Claims 1, 3-8, 10, 12-13, 15 and 17-24 remain in the application for consideration.

Claims 12 and 17 were objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for being dependent on a canceled base claim. Applicant has amended claims 12 and 17 to overcome this objection.

Claim 1 was rejected under 35 U.S.C. § 112 as being indefinite. Specifically, the Office Action states that "the averaged data" is vague and ambiguous. To overcome this rejection, "transmitting the averaged data" has been amended to "transmitting the averaged client management data." Applicant respectfully requests withdrawal of the rejection.

Claims 8 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite as an omnibus type claim. Applicant respectfully disagrees. Original claims 8-9 are both expressly limited to the context of method claim 1. However, to expedite prosecution, Applicant has rewritten claim 8 in independent form to overcome the rejection. Further, Applicant has canceled claim 9 in favor of new claim 20. Applicant respectfully requests withdrawal of the rejection.

Claims 1-4, 7-10, 12, 13, 15, and 17-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,453,346 to Garg et al. ("Garg"). For the reasons stated below, Applicant respectfully requests withdrawal of the rejection.

Garg discloses a method for intelligent storage and reduction of network information. Garg reduces the amount of storage space required for network information by receiving current network information and comparing the current network information with previously received network information. The current network information is saved only if it exceeds the previously received network information by a threshold amount. If the current network information does not exceed the previously received network information by the threshold amount, an identifier is updated but the current network information is not saved. Garg utilizes a network monitor for centrally monitoring one or more networks. The network monitor also centrally monitors each of the network devices on the monitored network(s). Garg's network monitor may be a separate network device, or it may be incorporated into another one of the network devices.

In contrast to Garg, the method of independent claim 1 collects, caches, and averages the client management data locally and then transmits the averaged data to a central collection location. To emphasize this fundamental difference, Applicant has amended claim 1 to recite "collecting client management data at two or more of the plurality of client machines; storing the client management data in a cache at each of the two or more client machines for a selected time interval; averaging the cached client management data at each of the two or more client machines over the selected time interval, wherein the client management data collected at each of the two or more client machines is also stored and averaged at that client machine; and transmitting the

averaged client management data to the central collection location. Garg, on the other hand, centrally collects the network data at the network monitor. Even in Garg's alternative embodiment in which the network monitor resides on another network device, Garg centrally collects the network data at a single network device. Thus, amended claim 1 distinguishes over Garg by requiring collection of the client management data at two or more of the client machines. Likewise, Garg fails to disclose storing and averaging the client management data at two or more of the client machines and then transmitting the averaged data to a central location. Accordingly, claim 1 is patentable over Garg, and Applicant respectfully requests allowance of the claim.

Independent claims 8 and 10 have also been amended in a similar fashion. Thus, for at least the reasons stated above with respect to claim 1, independent claims 8 and 10 are also patentable over Garg. Likewise, dependent claims 3-7, 12-13 and 20-24 are patentable for at least the reason that they include all of the limitations of their respective base claims (1, 8 and 10) which are patentable over the prior art.

Independent claim 15 is also patentable over Garg. Claim 15 recites means for collecting client management data, means for storing the client management data for a selected time interval, means for averaging the stored client management data over the selected time interval, and means for transmitting the averaged client management data to a central location. Applicant's specification discloses collecting, storing and averaging the client management data locally, and then transmitting the averaged data to a central location. Garg does not teach or suggest the means limitations of independent claim 15. In fact, Garg teaches away from the claimed means by collecting data centrally rather than locally. Applicant respectfully submits that independent claim 15 is patentable over

Garg. Claims 17-18, which depend directly or indirectly from claim 15, are patentable for at least the reasons stated above for claim 15. Claims 17-18 are separately patentable because they recite additional limitations which are not taught by Garg.

Finally, independent claim 19 is patentable over Garg. Claim 19 is directed to a data structure which is neither taught nor suggested by Garg. Specifically, claim 19 requires “a data field containing capacity planning data which represents averaged performance monitoring data collected over a period of time.” Garg contains no such disclosure. Further, claim 19 recites “wherein the performance monitoring data is converted into capacity planning data before the data structure is transmitted to a central collection location for capacity planning purposes.” Garg does not disclose converting performance monitoring data into capacity planning data, and thus Garg cannot and does not disclose doing so “before the data structure is transmitted to a central location for capacity planning purposes.” Independent claim 19 is therefore patentable over Garg for at least these reasons.

Conclusion

For the reasons stated above, claims 1, 3-8, 10, 12-13, 15 and 17-24 are now in condition for allowance. Applicant respectfully requests withdrawal of the pending rejections and allowance of the pending claims. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,



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